

1 Mark R. Thierman, Nev. Bar No. 8285
mark@thiermanbuck.com
2 Joshua D. Buck, Nev. Bar No. 12187
josh@thiermanbuck.com
3 Leah L. Jones, Nev. Bar No. 13161
leah@thiermanbuck.com
4 **THIERMAN BUCK, LLP**
7287 Lakeside Drive
5 Reno, Nevada 89511
Tel: (775) 284-1500
6 Fax: (775) 703-5027

7 Christian Gabroy, Bar No. 8805
christian@gabroy.com
8 Kaine Messer, Bar No. 14240
kmesser@gabroy.com
9 **GABROY LAW OFFICES**
170 S. Green Valley Pkwy., Ste. 280
10 Henderson, Nevada 89012
Tel: (702) 259-7777
11 Fax: (702) 259-7704

12 *Attorneys for Plaintiffs*

13 Joshua A. Sliker, Bar No. 12493
joshua.sliker@jacksonlewis.com
14 **JACKSON LEWIS P.C.**
3800 Howard Hughes Pkwy., Ste 600
15 Las Vegas, Nevada 89169
Tel: (702) 921-2460
16 Fax: (702) 921-2461

17 *Attorneys for Defendants*

18 **UNITED STATES DISTRICT COURT**
19 **DISTRICT OF NEVADA**

20 JENNIFER ZIMMERMAN, on behalf of herself
21 and all other similarly situation,

22 Plaintiff,

23 vs.

24 BUDDHA ENTERTAINMENT, LLC d/b/a and
a/k/a TAO GROUP also d/b/a and a/k/a TAO
25 NIGHTCLUB also d/b/a and a/k/a TAO LV
NIGHTCLUB; ASIA LAS VEGAS, LLC, d/b/a
26 and a/k/a TAO ASIAN BISTRO; STRIP VIEW
ENTERTAINMENT, LLC d/b/a and a/k/a TAO
27 GROUP; DOES 1 through 50, inclusive,

28 Defendants.

Case No.: 2:18-cv-01460-JAD-CWH

**ORDER GRANTING
PRELIMINARY APPROVAL OF CLASS
ACTION SETTLEMENT**

ECF No. 13

1 TO ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

2 The Application for Preliminary Approval of a Class Action Settlement came before this
3 Court, the Honorable Jennifer A. Dorsey presiding, on April 12, 2019. This Court, having considered
4 the papers submitted in support of the application of the parties, HEREBY ORDERS THE
5 FOLLOWING:

6 1. This Court grants preliminary approval of the Settlement and the Settlement Classes
7 based upon the terms set forth in the Joint Stipulation of Settlement and Release between Plaintiff and
8 Defendants (“Stipulation of Settlement”) filed herewith. The Settlement appears to be fair, adequate
9 and reasonable to the Class. **The Joint Motion for Preliminary Approval [ECF No. 13] is GRANTED.**

10 2. The Settlement falls within the range of reasonableness and appears to be
11 presumptively valid, subject only to any objections that may be raised at the final fairness hearing and
12 final approval by this Court.

13 3. A final fairness hearing on the question of whether the proposed Settlement, attorneys’
14 fees to Class Counsel, and the Class Representative Enhancement Award should be finally approved
15 as fair, reasonable and adequate as to the members of the Class is scheduled in accordance with the
16 Implementation Schedule set forth below.

17 4. This Court approves, as to form and content, the Notice of Pendency of Class Action,
18 Proposed Class Action Settlement, and Hearing Date for Court Approval (“Notice of Pendency of
19 Class Action”), in substantially the form attached to the Stipulation of Settlement as Exhibit A, and
20 the Claim Form in substantially the form attached thereto as Exhibit B. This Court approves the
21 procedure for Class Members to participate in, to opt out of and to object to, the Settlement as set forth
22 in the Notice of Pendency of Class Action.

23 5. This Court directs the mailing of the Notice of Pendency of Class Action and Proposed
24 Settlement, and the Claim Forms by first class mail to the Class Members in accordance with the
25 Implementation Schedule set forth below. This Court finds the dates selected for the mailing and
26 distribution of the Notice and the Claim Form, as set forth in the Implementation Schedule, meet the
27 requirements of due process and provide the best notice practicable under the circumstances and shall
28 constitute due and sufficient notice to all persons entitled thereto.

1 6. It is ordered that the Settlement Class is preliminarily certified for settlement purposes
2 only.

3 7. This Court confirms Plaintiff Jennifer Zimmerman as Class Representative, and Mark
4 Thierman, Esq., Joshua Buck, Esq., and Leah Jones, Esq. of Thierman Buck, LLP of Reno, Nevada,
5 and Christian Gabroy, Esq., and Kaine Messer, Esq. of Gabroy Law Offices of Henderson, Nevada as
6 Class Counsel.

7 8. This Court confirms CPT Group as the Claims Administrator.

8 9. To facilitate administration of the Settlement pending final approval, this Court hereby
9 enjoins Plaintiff and all Class Members from filing or prosecuting any claims, suits or administrative
10 proceedings (including filing claims with the Nevada Office of the Labor Commissioner) regarding
11 claims released by the Settlement unless and until such Class Members have filed valid Requests for
12 Exclusion with the Claims Administrator and the time for filing claims with the Claims Administrator
13 has elapsed.


14 10. This Court orders the following **Implementation Schedule** for further proceedings:

16	a.	Deadline for Defendant to Submit Class Member Information to Claims Administrator	April, 22, 2019
17			
18	b.	Deadline for Claims Administrator to Mail the Notice and the Claim Form to Class Members	April 26, 2019
19			
20			
21	c.	Deadline for Class Members to Postmark Claim Forms	May 27, 2019
22			
23	d.	Deadline for Class Members to Postmark Requests for Exclusions	May 27, 2019
24			
25	e.	Deadline for Receipt by Court and Counsel of any Objections to Settlement	May 27, 2019
26			
27	f.	Deadline for Class Counsel to file Motion for Final Approval of Settlement, Attorneys' Fees, Costs, and Enhancement Award	August 2, 2019
28			

g.	Deadline for Class Counsel to File Declaration from Claims Administrator of Due Diligence and Proof of Mailing	August 2, 2019
h.	Final Fairness Hearing and Final Approval	August 9, 2019
i.	Deadline for Defendant to Fund Settlement Account maintained by Claims Administrator	August 19, 2019
j.	Deadline for Claims Administrator to wire transfer the Attorneys' Fees and Costs to Class Counsel (if Settlement is Effective)	August 24, 2019
k.	Deadline for Claims Administrator to mail the Settlement Awards to Class Members and the Enhancement Awards to Class Representatives (if Settlement is Effective)	August 29, 2019
k.	Claims Administrator to File Proof of Payment of Settlement Awards, Enhancement Award, Attorneys' Fees and Costs (if Settlement is Effective)	November 9, 2019

IT IS SO ORDERED.

Dated: 4-22-19 _____


UNITED STATES DISTRICT JUDGE